

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 7

REMARKS

Claims 78-108 are pending in this application. Applicants have herein canceled claims 78-108 without prejudice or disclaimer of applicants' right to pursue the subject matter of these claims in the future. Applicants have added new claims 109-140 which generally correspond to previously pending claims 78-108. Support for new claims 109-140 may be found, *inter alia*, in the specification as follows: **Claim 109**: page 22, lines 5-11; **Claim 110**: page 15, lines 5-6, page 17, lines 20-24, page 22, lines 16-24, page 23, lines 15-17 and 22-25; **Claims 111,126**: page 4, lines 28-30, page 13, lines 22-30, and line 34 to page 14, line 8, page 14, lines 26-30 and page 17, line 20 to page 18, line 2, page 19, lines 8 and 23, page 20, lines 3-4; **Claims 112,120,128,133**: page 22, lines 13-14; **Claims 113,129**: page 23, lines 6-17; **Claims 114-116,121,122,130-132, 134-135**: page 22, lines 28-30; **Claim 117**: page 23, lines 1-5; **Claims 118, 119**: page 22, lines 28-30, page 23, lines 1-5; **Claim 123**: page 14, lines 30-31; **Claim 124**: page 14, lines 32-33; **Claim 125**: page 20, lines 19-21. **Claim 127**: page 4, lines 18-21, page 14, lines 26-30, page 17, lines 20-24, page 19, lines 8 and 23, page 20, line 23 to page 21, line 32; **Claim 136**: page 20, lines 3-4; **Claim 137**: page 21, lines 19-20; **Claim 138**: page 10, lines 9-15, page 21, lines 12-14; **Claim 139**: page 10, lines 9-15, page 21, lines 12-15; **Claim 140**: page 21, lines 20-25. No issue of new matter is raised by new claims 109-140. Accordingly, claims 109-140 will be pending in the subject application upon entry to this Amendment.

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 8

Restriction Requirement:

In the June 13, 2006 Office Action, the Examiner imposed a restriction under 35 U.S.C. §121 to one of the following Groups:

- I. Claims 78-98, drawn to a method of treating a subject afflicted with HIV-1 or preventing a subject from contracting HIV-1, which comprises administering to the subject an effective dose of a monoclonal antibody or a fragment against CCR5; and
- II. Claims 99-108, drawn to a composition which comprises a monoclonal antibody of a fragment against CCR5.

In response, applicants elect the invention set forth in the June 13, 2006 Office Action as Group II, drawn to the subject matter of previously pending claims 99-108, which subject matter corresponds to the subject matter of new claims 109-126.

As stated on page 3 of the June 13, 2006 Office Action, the Examiner has required restriction between product and process claims. The Examiner stated that where applicants elect claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise recite all the limitations of the allowable product claim will be considered for rejoinder. The Examiner further stated that in the event of rejoinder, the requirement for restriction will be withdrawn and the process claims will be fully examined for patentability. Accordingly, applicants maintain that, when product claims 109-126 are found allowable, method claim 127, which refers to any of product claim 109, 110 or 111, and claims 129-140 dependent thereon should be rejoined and also found allowable.

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 9

Supplemental Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicants direct the Examiner's attention to the following references which are listed on forms PTO-SB08A and PTO-SB08B (substitute forms for form PTO-1449) attached hereto as **Exhibit A**.

This Supplemental Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b)(3) before the mailing of a first office action on the merits and no fee is deemed necessary with the filing of this Supplemental Information Disclosure Statement. Thus, this Supplemental Information Disclosure Statement should be entered and considered.

In accordance with 37 C.F.R. §1.92(a)(2)(ii), copies of the U.S. Patents and U.S. Patent Application Publications listed herein are not provided. Accordingly, copies of documents listed below as items 1-21 are not submitted herewith.

The above-identified application claims benefit under 35 U.S.C. §120 of U.S. Serial No. 09/594,983, filed June 15, 2000. In accordance with 37 C.F.R. §1.98(d)(1), copies of the documents listed below, items 29-64, need not be provided because such copies have previously been submitted in Information Disclosure Statements, or cited by the U.S. Patent Office, in connection with U.S. Serial No. 09/594,983. Copies of documents listed below as items 22-28 are attached hereto as **Exhibits 1-7**.

1. U.S. Patent No. 6,025,154 issued October 5, 2004;
2. U.S. patent No. 6,265,184 issued July 24, 2001;

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 10

3. U.S. Patent No. 6,268,477 issued June 30, 2002;
4. U.S. Patent No. 6,448,375 issued September 10, 2002;
5. U.S. Patent No. 6,743,594 issued June 1, 2004;
6. U.S. Patent No. 6,797,811 issued September 28, 2004;
7. U.S. Patent No. 6,972,126 issued December 6, 2005;
8. U.S. Patent No. 6,261,763 B1 issued July 17, 2001;
9. U.S. Patent Application Publication No. 2002-0150888
published October 17, 2002;
10. U.S. Patent Application Publication No. 2004-0161739
published August 19, 2004;
11. U.S. Patent Application Publication No. 2004-0230037
published November 18, 2004;
12. U.S. Patent Application Publication No. 2004-0110127
published June 10, 2004;
13. U.S. Patent Application Publication No. 2005-0154193
published July 14, 2005;
14. U.S. Patent Application Publication No. 2003-0100058
published May 29, 2003;
15. U.S. Patent Application Publication No. 2003-0166024
published September 4, 2003;

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 11

16. U.S. Patent Application Publication No. 2004-0151719
published August 8, 2004;
17. U.S. Patent Application Publication No. 2001-0000241
published April 12, 2001;
18. U.S. Patent Application Publication No. 2001-0046512
published November 29, 2001;
19. U.S. Patent Application Publication No. 2006-0029932
published February 9, 2006;
20. U.S. Patent Application Publication No. 2002-0045161
published April 18, 2002;
21. U.S. Patent Application Publication No. 2006-0140977 A1
published June 29, 2006;
22. U.S. Patent Application Serial No. 09/118,415 filed July
17, 1998 (now abandoned) (**Exhibit 1**);
23. U.S. Patent Application Serial No. 11/258,963 filed October
25, 2005 (**Exhibit 2**);
24. U.S. Patent Application Serial No. 11/316,078 filed
December 21, 2005 (**Exhibit 3**);
25. U.S. Patent Application Serial No. 11/400,497 filed April
7, 2006 (**Exhibit 4**);
26. U.S. Patent Application Serial No. 08/475,515 filed June 7,
1995 (now abandoned) (**Exhibit 5**);

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 12

27. U.S. Patent Application Serial No. 08/663,171 filed June 14, 1996 (now abandoned) (**Exhibit 6**);
28. PCT International Application Publication No. WO 95/16789, published June 22, 1995 (**Exhibit 7**);
29. PCT International Publication No. WO 02/064612 A2 published August 22, 2002;
30. PCT International Publication No. WO 01/58915 A2 published August 16, 2001;
31. PCT International Publication No. WO 01/58916 A2 published August 16, 2001;
32. PCT International Publication No. WO 96/39437 A2 published December 12, 1996;
33. PCT International Publication No. WO 97/22698 published June 26, 1997;
34. PCT International Publication No. WO 97/44055 published November 27, 1997;
35. PCT International Publication No. WO 97/032019 published September 4, 1997;
36. European Patent Application No. 96870021.1 filed March 1, 1996;
37. European Patent Application No. 96870102.9 filed August 6, 1996;

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 13

38. European Patent Application Publication No. 1145721 A2
published October 17, 2001;
39. European Patent Application Publication No. 1146055 A2
published October 17, 2001;
40. European Patent Application Publication No. 1146122 A2
published October 17, 2001;
41. European Patent Application Publication No. 1148126 A2
published October 24, 2001;
42. European Patent Application Publication No. 1148127 A2
published October 24, 2001;
43. European Patent Application Publication No. 1149582 A2
published October 31, 2001;
44. European Patent Application Publication No. 1199360 A2
published April 24, 2002;
45. European Patent Application Publication No. 1482042 A1
published December 1, 2004;
46. European Patent Application Publication No. 0815137
published December 12, 1996;
47. European Patent No. 0883687 B1 issued November 27, 2004;
48. Canadian Patent Publication No. 2216990 published December
27, 1997;

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 14

49. Dean, M. et al., (1996) "Genetic Restriction Of HIV-1 Infection And Progression To AIDS By A Deletion Allele Of The CKR5 Structural Gene", *Science* 273:1856-1862;
50. He, J. et al., (1997) "CCR3 And CCR5 Are Co-Receptors For HIV-1 Infection Of Microglia", *Nature* 385:645-649;
51. Konigs, C. et al., (2000) "Monoclonal Antibody Screening Of Phage-Displayed Random Peptide Library Reveals Mimotopes Of Chemokine Receptor CCR5: Implications For The Tertiary Structure Of The Receptor And For An N-Terminal Binding Site For HIV-1 Gp120", *Eur. J. Immunol.* 30(4):1162-1171;
52. Lee, B. et al., (1999) "Epitope Mapping Of CCR5 Reveals Multiple Conformational States And Distinct But Overlapping Structures Involved In Chemokine Coreceptor Function", *J. Biol. Chem.* 274(14):9617-9626;
53. Mackay, C.R., (1996) "Chemokine Receptors And T Cell Chemotaxis", *J. Exp. Med* 184:799-802;
54. Raport, C.J. et al., (1996) "Molecular Cloning And Functional Characterization Of A Novel Human CC Chemokine Receptor (CCR5) For RANTES, MIP-1 β , And MIP-1 α ", *J. Biol. Chem.* 271(29):1761-17166;
55. Samson, M. et al., (1996) "Molecular Cloning And Functional Expression Of A New Human CC-Chemokine Receptor Gene", *Biochem.* 35:3362-3367;

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 15

56. Steinberger, P. et al., (2000) "Generation And Characterization Of A Recombinant Human CCR5-Specific Antibody", *J. Biol. Chem.* 275(46):36073-36078;
57. Wu, L. et al., (1996) "CD4-Induced Interaction Of Primary HIV-1 Gp120 Glycoproteins With The Chemokine Receptor CCR-5", *Nature* 384:179-183;
58. PCT International Preliminary Examination Report issued April 5, 2006 for International Application Publication No. WO 03/072766;
59. PCT International Preliminary Examination Report issued September 28, 2005 for International Application No. WO 03/072766;
60. PCT International Search Report issued August 13, 2003 for International Application Publication No. WO 03/072766;
61. Supplementary European Search Report Issued April 21, 2006 for European Application No. 03713632;
62. PCT International Preliminary Examination Report issued February 15, 2001 for International Application Publication No. WO 00/035409;
63. PCT International Search Report issued June 7, 2000 for International Application Publication No. WO 00/35409; and
64. Supplementary Partial European Search Report issued September 27, 2004 For European Application No. 99966466.

If a telephone interview would be of assistance in advancing

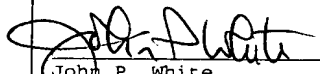
Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 16

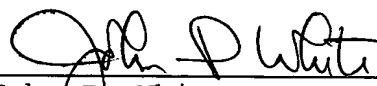
prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the \$25.00 fee for one extra claim, is deemed necessary in connection with the filing of this Amendment and Supplemental Information Disclosure Statement. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

 6/30/06
John P. White Date
Reg. No. 28,678


John P. White, Esq.
Registration No. 28,678
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400